

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: RAYSHELL D FITZGERALD, Debtor, GLOBAL LENDING SERVICES LLC, Movant, v. RAYSHELL D FITZGERALD, and SCOTT F WATERMAN, Trustee, Respondents.	Bankruptcy No. 23-10686-amc Chapter 13 Document No.
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Global Lending Services LLC (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Rayshell D Fitzgerald, (“Debtor”), is an adult individual with a place of residence located at 3215 Birch Road, Philadelphia, PA 19154.

2. Scott Waterman, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about March 9, 2023, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about February 29, 2023, the Debtor purchased a 2020 Mitsubishi Outlander Sport utility 4D ES, VIN# JA4AP3AU5LU014468 (the “Vehicle”), pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secured interest in the 2020 Mitsubishi Outlander Sport utility 4D ES, VIN# JA4AP3AU5LU014468, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The Contract requires monthly payments of \$552.01, which amounts are due on or before the 14th of each month.

8. As of the date of this Motion, the Debtor is in default of their payment obligations to Movant in the amount of \$2,968.09. The Debtor is currently due for the payment due on March 13, 2023.

9. The Debtor’s Chapter 13 Plan states that payments to Movant will be made outside the Plan.

10. The gross balance due on the Contract is \$18,382.96.

11. The N.A.D.A value for the 2020 Mitsubishi Outlander Sport utility 4D ES, VIN# JA4AP3AU5LU014468 is \$19,600.00. A true and correct copy of a printout showing that value is attached hereto as **Exhibit C**. Therefore, there is no equity in the collateral, the Debtor is still responsible for making monthly payments to Movant.

12. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtor(s) have failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Global Lending Services LLC, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2020 Mitsubishi Outlander Sport utility 4D ES, VIN# JA4AP3AU5LU014468.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck, Esq.
PA I.D. # 91298
kebeck@bernsteinlaw.com
601 Grant Street, 9th Floor
Pittsburgh, PA 15219
Phone (412) 456-8112
Fax: (412) 456-8135

Counsel for Global Lending Services LLC

Dated: August 18, 2023